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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

**BROOKSHIRE BROTHERS  
HOLDING, INC.**

: DOCKET NO. 04-1150

VS.

: JUDGE TRIMBLE

**TOTAL CONTAINMENT INC., ET AL**

: MAGISTRATE JUDGE WILSON

**JUDGMENT**

Pursuant to the Memorandum Ruling of this date,

**IT IS ORDERED, ADJUDGED AND DECREED** that the motion for summary judgement filed by Dayco Products, LLC and Mark IV Industries, LTD dismissing Plaintiff's claims as time barred (doc. #353) is hereby **GRANTED IN PART** to the extent that all claims for injuries that occurred prior to August 15, 2002 have prescribed and are hereby **DISMISSED**. The Court expressly determines that there is no just reason for delay and directs entry of judgment under rule 54(b) of the Federal Rules of Civil Procedure.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the motion for summary judgment dismissing Plaintiffs claims of rehhibition/breach of implied warranty of fitness and merchantability (doc. #355) is hereby **DENIED**.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 13<sup>th</sup> day of July, 2006.

*[Signature]*  
JAMES T. TRIMBLE, JR.  
UNITED STATES DISTRICT JUDGE